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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,468	04/11/2001	Balamurugan Selvarajan	J-1	3319

7590 02/13/2006

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EXAMINER

KESACK, DANIEL

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/833,468	SELVARAJAN, BALAMURUGAN	
	Examiner	Art Unit	
	Dan Kesack	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/11/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/11/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been reviewed. Original claims 1-16 are pending. The rejections are as stated below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 10 recites the limitation "said VCSP client" in claim 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-8, 11-16 rejected under 35 U.S.C. 102(b) as being anticipated by Franklin et al., U.S. Patent No. 5,883,810.

Claim 1, 16, Franklin discloses an online commerce system facilitating online commerce over a public network using an online commerce card, existent in digital form, consisting of a user requesting a random temporary transaction number usable for only one transaction, and used as a proxy account number when making payments on the Internet, the user submitting the transaction number to the merchant which is then treated the same as any regular credit card number, the merchant transmitting the transaction number to the issuing bank of verification and authorization of the purchase (column 2 lines 15-50).

Claim 2, 12-14, Franklin teaches the user registering by requesting an online commerce card from the issuing bank, and the issuing bank issuing the card in the form of a software module that can be invoked when using the commerce card to conduct a transaction in the internet (column 4 lines 25-29 and 39-43). Franklin teaches that the commerce card software module interacts with the user's browser, sending requests and authorization signals from the user's computer and receiving responses from the bank computer, which the software module is connected to over the network.

Claim 3, 4, Franklin teaches an authorization phase wherein the merchant sends the transaction number to the issuing bank, and the bank verifies the validity of the

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account information, such as account number, spending limits, and the expiration term, and approving or denying the transaction based upon said account information (column 2 lines 35-40, column 10 line 30 - column 11 line 30).

Claim 5, Franklin teaches the card being usable only once, and the card having a short expiration term so that the number becomes invalid after the expiration term lapses (column 2 lines 48-55).

Claims 6-8, Franklin teaches the banking computer's authorization system notifying a user about a request for a transaction proxy number, and requiring authorization of the request for approval of the transaction, the authorization request comprising an exchange of private keys over the network, and the user entering a bank assigned personal identification number (column 8).

Claim 11, Franklin teaches a software module being provided to the customer by the issuing bank, said software module running on the customer computer having a central processing unit, volatile memory, hard disk, input/output units, and a connection to the internet column 5 lines 32-39). Claim 11 recites a Client having the capability to record payment details into the desktop. It has been held that the recitation that an element is "capable of" performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. The elements disclosed in Franklin are fully capable of performing the claimed function.

Claim 15, Franklin teaches the bank computer storing customer information in a customer database (column 6 lines 1-11).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin as applied to claims 1 and 6 above, and further in view of Chen et al., U.S. Patent No. 5,590,197.

Franklin fails to teach the Client working only after said user inserts a service card into a special reader attached to a PC.

Chen teaches an electronic payment system and method, in which a user inserts a portable electronic storage medium such as a smartcard, or stored on the customer's computer, together with browser/mosaic software which will enable the customer to utilize the wallet for transactions carried out on the Internet. It would be obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the system of Franklin to require a card to be inserted into the a PC in order to complete a transaction, such additional steps provide an added level of security, which is a desirable trait of Internet transactions.

9. Claim 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin as applied to claims 1 and 6 above, and further in view of Hogan et al., U.S. Patent No. 6,990,470.

Franklin fails to teach a request from a merchant containing a previously used ID, and the issuing bank authorizing the transaction as a recurring payment.

Hogan teaches a method and system for conducting secure payments over a computer network, wherein if two identical transaction records are found to exist, it is presumed to be an additional authorization-request message for an already-authorized transaction, and the transaction is treated as a recurring payment, and is processed accordingly (column 24 lines 12-23). It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to include a recurring payment function in the system of Franklin because recurring payments are an old and well known feature in the

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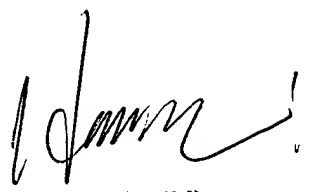
art of online financial transactions, and including features to accommodate a frequently occurring type of transaction greatly extends the usability and application of such an invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Kesack whose telephone number is 571-272-5882. The examiner can normally be reached on M-F, 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HANI M. KAZI
PRIMARY EXAMINER